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REGULAR MEETING AND PUBLIC HEARING  
OF THE CITY OF FALLS CHURCH PLANNING COMMISSION

19 June 2006  
Council Chamber

1. CALL TO ORDER: Chair Rodgers called the meeting to order at 8:37 PM.

2. ROLL CALL:

Members Present:                      Ms. Budetti  
   Mr. Burnett  
   Ms. Fauber  
   Mr. Holran  
   Mr. Puentes  
   Ms. Rodgers  
   Ms. Sanders

Administrative Staff Present:      Mr. Fuller, Principal Planner  
   Ms. Reinecke-Wilt, Principal Planner

3. PLANNING COMMISSION REPORTS:

Chair Rodgers announced that she had a copy of the Capital Improvements Program for the National Capital Region. She offered to circulate the document to interested Commissioners.

4. RECEIPT OF PETITIONS: None.

5. PLANNING DIRECTOR'S REPORT/WORKSESSION SCHEDULE:

Ms. Reinecke-Wilt reported on the Commission's anticipated schedule through July. She announced that the Commission's regular meeting of 3 July would not be held due to a lack of a quorum. Ms. Reinecke-Wilt requested the Commission to determine a date for a worksession on the full package of Zoning Ordinance Amendments – Residential Infill. She advised that the City's transportation consultant for the City Center would conduct interviews of board and commission members the week of 10 July.

Mr. Holran acknowledged receipt of an information package concerning the designation of Railroad Avenue as a public street. He appreciated the background information on how the decision was made. Mr. Holran suggested that, in the future, that the Planning Commission should be notified early in the process when a decision is made that the Commission would not be included in the process.

43  
44 **6. OLD BUSINESS:**  
45

46 **A. SUBDIVISION SD06-0193, 1017 SPRUCE STREET**

47 Ms. Reinecke-Wilt stated that the applicant had not filed a revised plat. Staff recommends that  
48 this item be continued.  
49

50 **MOTION:** Ms. Fauber moved, and Ms. Sanders seconded, that Subdivision SD06-0193 be  
51 continued until the applicant has submitted a revised plat, which is ready for  
52 Planning Commission review.  
53

54 Upon roll call vote, the motion passed unanimously.  
55

56 **B. ORDINANCE TR06-05, PIPESTEMS**  
57

58 Ms. Reinecke-Wilt requested the Commission to hold a public hearing on the legislation  
59 proposed and recommend to the City Council that this Ordinance be tabled at its 26 June meeting  
60 so that pipestems changes, as considered thus far, may be more comprehensively considered as  
61 part of the overall residential Code changes. It is anticipated that the overall residential Code  
62 change package will be given First Reading on 26 June to begin the public process.  
63

64 The Planning Commission had considered this item in two public hearings and two  
65 worksessions. On 1 May 2006, the Commission voted 4-1 to recommend to the City Council to  
66 not approve Ordinance TR06-05. The following modifications are anticipated when the  
67 pipestem language returns with the overall Residential Code changes:

68 1. Limit the number of pipestems from any existing parcel to two. Staff will continue to  
69 recommend that the language shown in TR06-05, but recommends that further consideration of  
70 this ordinance be tabled.

71 2. Do not increase setbacks at this time, but consider a holistic approach relying upon the  
72 proposed new, lesser limits for coverage on all lots. Staff research indicates that this would be  
73 equivalent to or better than the pipestem setbacks proposed. It would also be equitable, as all  
74 homes would be developed under the same rules. Staff will likely recommend different language  
75 than shown in TR06-05. The new language would call for coverage limitations for all lots.

76 3. Add enhanced review in the Subdivision Ordinance rather than creating a residential site plan  
77 process. The City Attorney was uncomfortable with the new site plan process, as shown in  
78 Ordinance TR06-05, but supported adding detail to the Planning Commission's prescribed duties  
79 in Chapter 31, Subdivisions, of the City Code. Staff will likely recommend different language  
80 than shown in TR06-05. The new language would link enhanced review to the subdivision  
81 process.  
82

83 In response to Commissioners's inquiries, Ms. Reinecke-Wilt indicated that the pipestem issues  
84 would be grouped with all other Zoning Ordinance amendments proposed for residential  
85 development, which will be given First Reading by Council on 26 June and considered by the  
86 Commission at its 11 July worksession. The Commission should recommend that Council table  
87 this Ordinance. Although the Commission had made a recommendation on this Ordinance at its  
88 1 May meeting, the Ordinance had changed significantly and Council requested the Commission

89 to make a recommendation on the new text. The original version of the Ordinance given First  
90 Reading was the strictest possible; this version would continue to permit pipestem lots under  
91 certain conditions. The language proposed in Ordinance TR06-05 concerning a site plan review  
92 process for pipestems would be moved to the Subdivision Ordinance, based on a discussion and  
93 agreement between staff and the City Attorney.

94  
95 Ms. Sanders expressed her belief that it was unclear why the language regulating pipestem lots  
96 would be moved from the Site Plan Ordinance to the Subdivision Ordinance. She desired  
97 information about what was allowable by law. Ms. Reinecke-Wilt reiterated that the decision  
98 was based on the City Attorney's advice. Placing the enhanced review text for pipestems in the  
99 Subdivision Ordinance made more sense. This is not the first time that Council has changed the  
100 text proposed in an Ordinance and then referred a revised Ordinance back to boards and  
101 commissions for additional comment. Ms. Sanders indicated that she was uncomfortable with  
102 this change without more information from the City Attorney. Ms. Reinecke-Wilt said that it  
103 would be appropriate to discuss this issue with the City Attorney after the overall amendment  
104 package was given First Reading.

105  
106 Ms. Fauber expressed her belief that the Commission had learned from citizens as it reviewed the  
107 amendments first suggested for pipestem developments. The Commission appreciated hearing  
108 from the public that all owners of property that might be developed with pipestem lots desired to  
109 be treated the same as owners of other lots that might be subdivided. She advised that although  
110 the process had taken considerable time, the end result would be better for the community.

111  
112 The Chair opened the item to the public.

113  
114 1. Susan Matchett (401 E. Jefferson St.) thanked the Planning Commission and staff for their  
115 hard work and thought given to the pipestem amendment proposals. She and her husband  
116 appreciated consideration of the alternatives suggested. Ms. Matchett expressed her strong  
117 support for a holistic approach to changing pipestem regulations only as part of an entire  
118 residential development rewrite of the Code.

119  
120 2. Dudley McDonald (310 Sycamore St.) stated that he and his wife have lived in the City for  
121 over 20 years. They live in her grandparent's house that was built in the 1930s. He expressed  
122 his concerns for the potential devaluation of the property with new regulations, which were too  
123 rigid. Mr. McDonald advised that the lots platted as the Ellison Heights in 1906 are now  
124 considered substandard and may be subject to new regulations effecting future development  
125 potential. He requested the Commission to take the time necessary to make good decisions.

126  
127 Hearing no further response, and having received no new written comments, the Chair closed the  
128 item to the public.

129  
130 Mr. Holran suggested that the Commission give guidance to Council that any Resolution  
131 addressing pipestems or any Ordinance change should be considered comprehensively. The  
132 pipestem legislation should not be considered as a standalone action. Ms. Budetti expressed her  
133 belief that Ordinance TR06-05 needed to be cleared from the deck. Mr. Holran stated that the  
134 Commission had already made a recommendation on a prohibitive pipestem ordinance; and that

the Commission can give guidance rather than making a recommendation on the revised ordinance. Chair Rodgers noted that the Council had specifically requested the Commission to make a recommendation on the revised legislation.

Ms. Reinecke-Wilt reminded Commissioners that this item may be scheduled for Second Reading on the Council's 26 June Agenda. She was uncertain if the Council could take any action without the Commission's recommendation. Ms. Rodgers supported recommending tabling the Ordinance and recommending that Council take up this issue in a comprehensive manner with other residential development legislation proposed.

**MOTION:** Mr. Puentes moved, and Ms. Budetti seconded, that the Planning Commission recommend to the City Council that Ordinance TR06-05 be tabled at its 26 June 2006 meeting so that pipestem changes, as considered thus far, may be more comprehensively considered as part of the overall Code changes.

**Discussion:**

Mr. Holran stated for the record that he had already voted for the Council to deny the Ordinance. Ms. Fauber inquired whether the Commission could recommend that the Ordinance be continued instead of tabled. Ms. Budetti requested clarification on the differences between tabling, continuing, and denying. Ms. Gee explained that an item tabled could only be reopened for discussion upon a majority vote while an item denied was a final action on that item.

Upon roll call vote, the motion passed 5-1-1 (Ms. Sanders voted 'no' and Mr. Holran abstained).

## **7. NEW BUSINESS:**

### **PRESENTATION OF THE OPEN SPACE ACQUISITION TASK FORCE REPORT**

Mr. Fuller announced that the Assistant City Manager, Wyatt Shields, was staffing the Council worksession, as the Council would also receive a presentation of the Report this evening. Council is anticipated to adopt the Report, by Resolution, at its 26 June 2006 meeting.

The City of Falls Church has been envisioning, planning, and strategizing for years to enhance the community through the acquisition of additional open space and parkland. The numerous and well-intentioned studies, inventories, plans, policies, and Capital Improvement Programs (CIPs) have laid a good foundation. However, notable acquisitions have occurred rarely.

In 2004, the City Council commissioned the Task Force on Open Space Acquisition and charged it with developing an open space acquisition plan. By creating the tools, processes, and means necessary to seek and to acquire appropriate open space for the community, this implementation plan will allow the City to take the last, but most important, step toward adding to its inventory of public, protected, open space.

The Task Force on Open Space Acquisition prepared a report that will enable the creation of and preservation of open space by proposing a three-step approach to decision-making and

implementation efforts. The Task Force recommends that the City adopt a plan to meet open space needs; deploy a full tool box of 'ways and means' for preserving open space; and follow an evaluation and selection process that leads to decisions. This Report establishes a framework for addressing the City's need for increased open space, better access to parks, and more active recreation fields. It is intended to better position the City to make decisions with respect to land acquisition in an organized, timely, and public fashion.

Strategy 1: Needs Analysis and Selection Criteria. This section presents a needs-based approach for effective public decisions on open space acquisition. Past studies on open space acquisition have produced a ranked list of parcels for acquisition. The Task Force believes that the City would be better served by the creation of an effective evaluating tool rather than a list of parcels. This Report takes a different tack by developing selection criteria to guide future acquisition decisions.

The City of Falls Church, like most local governments, has limited resources available to purchase open space. Priorities for land acquisition need not be driven by a desire to meet an unrealistic national standard. Nor is the City necessarily well served by purchasing property as open space simply to prevent it from being developed. Rather, land acquisition priorities should be driven by the desire to meet specific community needs. The Selection Criteria are offered as a way to tie the evaluation of community needs to actual land acquisition decisions.

The Selection Criteria are divided into primary and secondary criteria. Primary criteria speak to need. Secondary criteria speak to the practical considerations associated with a specific parcel of land. During the public decision making process, these criteria work together. No single component of these criteria stand alone as an effective long-term strategy, but together they create a comprehensive approach for open space acquisition. Criteria may be applied to land located both within and without the City limits.

Primary evaluation criteria require decision makers to focus on what community need a particular parcel meets. An Open Space Map in the Report illustrates areas where parcels exist that most strongly meet each primary criterion. The criteria include: provides active recreation value; completes linkages and connections; protects and enhances significant natural features; and adds to existing parks.

Secondary evaluation criteria require decision makers to weigh the practical considerations associated with a specific parcel. These criteria consider feasibility, affordability, willingness of an owner to sell, and which of competing uses might be more appropriate. Additionally, appropriateness of use; effort of acquisition/direct costs; urgency for acquisition; long term development and maintenance costs; and leveraging regional needs would be considered.

Marking areas on the Open Space Map adds meaning and context to the selection criteria and identifies areas of opportunity. It illustrates a shared community vision for meeting the City's open space needs with public input and acceptance by the City Council.

Strategy 2: Ways and Means. This section provides recommendations on financial strategies for bringing land into public ownership. The first set of recommendations is related to funding

strategies for the simple purchase of land through the CIP. Both debt and reserve funds should be used only for one-time, nonrecurring expenditures. The allocation of these funds is most commonly made through the five-year CIP, which is reviewed by the Planning Commission and adopted by the Council annually when it adopts the operating budget. Alternative means of acquiring property include proffers, donations, bargain sales, bequests, living trusts, donating a remainder interest; right of first refusal or option, easements, grants, and regional and interjurisdictional agreements

Strategy 3: Policy and Process. This section provides recommendations on how to make the public decision making process more effective for land acquisition. Parcels shall be evaluated according to the Open Space Acquisition Guiding Principles and Criteria. The City will give high priority to acquiring open space that: contributes broad community benefit; adds to existing parks; completes linkages and connections; possesses active or passive recreational value; protects and enhances significant natural features and view sheds; protects and enhances cultural and historic sites; and is consistent with the Comprehensive Plan.

The public decision making process can pose challenges when a rapid decision is needed to acquire property. This section provides information on the legal requirements; the roles of the City Council, the Planning Commission, the City Manager, and the City Attorney; the process; and recommendations on how to make the process promote effective public decision making. A flow chart is provided in the Report to provide a visual illustration of how the recommended process would work.

The Task Force recommends that:

1. The City Council should establish a citizen led group, which would be referred to as the Open Space Committee, tasked with advising the Council on open space needs and opportunities.
2. The City Council should authorize the Task Force, with its current membership, to fulfill this role and to oversee the start up of the open space acquisition program through 1 July 2006. After which, the Open Space Committee should be constituted as a subcommittee of the Advisory Board on Recreation and Parks.
3. Duties and roles of the Open Space Committee should include: preparation of an annual report to Council by 1 November annually that identifies current needs and parcels that meet those needs; provide recommendations to the Council, as necessary, on the acquisition of specific parcels; and develop and maintain an open space acquisition plan that is informed by and related to the ongoing Park Master Planning process.
4. The Committee's annual report to Council should contain specific information, as identified in the Report.
5. The City Council should provide a response to recommendations from the Committee.
6. The Committee should not engage in direct contact with property owners on its own initiative. The City Manager is encouraged to use the Committeemembers to help make contact with the property owners.
7. The Committee should evaluate further the merits of working with the Northern Virginia Conservation Trust and other similar organizations to implement the conservation of land for public purposes and to provide recommendations to the Council on entering into agreements with such organizations.

273 8. The Committee should evaluate further the merits of establishing a Parks and Open Space  
274 Foundation to receive donations of money and/or land, and provide recommendations to the  
275 Council.

276 9. The City's website should include information on the membership of and the activities of the  
277 Open Space Committee.  
278

279 The acquisition plan, selection criteria, funding mechanisms, and decision making process are  
280 offered in the hope and the expectation that they will put the City in a stronger position to act for  
281 the preservation of open space.  
282

283 Mr. Fuller named those who served on the Task Force on Open Space Acquisition. They are:  
284 Barry Buschow, Chair of the Village Preservation and Improvement Society; Tom Edmonds, At-  
285 Large; Lindy Hockenberry, City Councilmember; Bruce Kulpan, Tree Commission; Rob Meeks,  
286 Advisory Board on Recreation and Parks; Marty Meserve, City Councilmember; Rob Puentes,  
287 Planning Commissioner; Dave Snyder, City Councilmember; and Melissa Teates, Environmental  
288 Services Council. The Task Force received staff support from: Gary Fuller, Principal Planner;  
289 Howard Herman, Director of Recreation and Parks Division; and Wyatt Shields, Assistant City  
290 Manager.  
291

292 Mr. Shields arrived. Chair Rodgers welcomed him.  
293

294 In response to Commissioners's questions, Mr. Fuller stated that the entire Task Force would  
295 serve until 1 July as a subcommittee of the Advisory Board of Recreation and Parks. The City  
296 Land Purchase Flow Chart contained in the Report includes the existing Planning Commission  
297 role in the acquisition of land process as is outlined in the City Charter. The Commission's role  
298 in the CIP process is not included in the flow chart, as that is a separate process.  
299

300 In response to further questions from Commissioners, Mr. Shields affirmed that the role of the  
301 Open Space Committee proposed is to monitor open space needs, to monitor what parcels are  
302 available that meet the City's needs, and to monitor funds targeted for land acquisition. The  
303 Committee recommended would add energy, through the CIP process, to acquiring parcels that  
304 meet community needs. If insufficient funding were available to acquire a desired parcel, then a  
305 CIP amendment would be required. Mr. Puentes clarified that the CIP plans for land acquisition,  
306 generally, while the flow chart diagrams the plan for acquisition specifically. Mr. Shields  
307 affirmed that the Commission's role in both the CIP and the land acquisition processes were not  
308 diminished in any way.  
309

310 Mr. Holran had clarifying questions concerning whether the Planning Commission would  
311 specifically review land acquisitions if such acquisitions were included in the Comprehensive  
312 Plan, which the Commission had previously approved. Mr. Shields noted that a recent issue,  
313 concerning that portion of Railroad Avenue south of the W&OD Trail, had not come before the  
314 Commission, as the City was already implicitly the owner of the property. For tonight's  
315 discussion concerning land acquisition for open space and parkland, the Commission would  
316 review and recommend in each instance. Additionally, the Commission would consider any CIP  
317 amendment required for funding land acquisition. Mr. Holran expressed his belief that it was  
318 disturbing that the City Attorney was making decisions on a case-by-case basis concerning the

319 Planning Commission's role. He reiterated his request for an opportunity to meet with the City  
320 Attorney to hear the Attorney's thoughts directly.

321  
322 In response to Ms. Budetti's questions, Mr. Shields clarified that the Planning Commission  
323 would be involved in the process should an opportunity arise to acquire a parcel that met  
324 community needs. In one scenario, the CIP has allocated \$2M for land acquisition and if the  
325 parcel could be purchased for that amount or less, then the Commission would make a  
326 recommendation to the City Council on the acquisition. In another scenario, if the parcel were to  
327 be purchased for an amount greater than the amount of funding available, then the Commission  
328 would make recommendations to the Council on both an amendment to the CIP and on the land  
329 acquisition. The Commission's role for both of these processes is delineated in the City Charter.

330  
331 Ms. Sanders expressed her appreciation to all who served on the Task Force for their hard work  
332 in the creation of a thorough and complete report. She advised that she looked forward to the  
333 implementation of the Task Force's recommendations. Ms. Sanders offered her assistance in  
334 seeking state grant funds to leverage City funds for land acquisition. She supported continuing  
335 the Task Force in the role of the Open Space Committee to enhance the quality of life for  
336 citizens.

337  
338 Chair Rodgers advised that she was surprised by the number of studies conducted previously  
339 concerning community needs and parcels proposed for acquisition without any action being  
340 taken. She was pleased that an action plan is now in place to implement previous  
341 recommendations.

342  
343 Mr. Puentes reported that the Task Force's product was done comprehensively and expressed his  
344 appreciation for the staff support provided. He noted that it was important to have rationale for  
345 land acquisition and that the Task Force had received presentations on the various options for  
346 land acquisition. Mr. Puentes complimented staff on its tireless efforts on this task.

347  
348 Mr. Fuller advised that Council is anticipated to adopt the Task Force's Report, by Resolution, as  
349 policy at its 26 June meeting. Mr. Shields concurred and advised that the policy would be  
350 effective 1 July, with the Open Space Committee to be created. The Resolution will not come  
351 before the Commission for action.

352  
353 Mr. Puentes expressed his belief that it was appropriate for the Planning Commission to  
354 recommend approval of the Report to the City Council. He noted that the issue of paper streets  
355 adjoining City land remained outstanding. Mr. Shields noted that the alleyways are identified on  
356 the map within the Report and offer the greatest potential as trail linkages. The Task Force was  
357 charged with studying and making recommendations on the acquisition of new land. The use of  
358 alleyways and pedestrian connectivity are issues for consideration by another group. It was his  
359 understanding that the Citizens' Advisory Committee on Transportation (CACT) was interested  
360 in considering this issue again.

361  
362 MOTION: Mr. Puentes moved, and Ms. Fauber seconded, to recommend to the City Council  
363 adoption of the report from the Task Force on Open Space Acquisition as a matter  
364 of City policy.



Discussion:

Mr. Burnett thanked Chair Rodgers for her comments on the number of previous studies. He noted that his father, Ken Burnett, had served as the Recreation and Parks Director for several years and had been involved in many of the studies. Mr. Burnett stated that the need for land acquisition was long known, but funding mechanisms had not been established. Although it had taken decades, he was pleased that his father's life work was coming to fruition.

Upon roll call vote, the motion passed unanimously.

MOTION: Ms. Budetti moved, and Ms. Sanders seconded, that the Planning Commission formally thank the Task Force on Open Space Acquisition members for their work. The Report prepared by the Task Force is masterly and is a forward-looking document.

The motion passed on voice vote.

Mr. Shields thanked the Planning Commission for its work on the CIP. He expressed his excitement that funding was now available in the CIP for land acquisition. The Commission's action on the CIP enabled the Task Force to guide those resources. Mr. Shields expressed appreciation to Mr. Puentes, who lent intellectual rigor and coherence to the Report. Mr. Puentes was the architect of the selection criteria and had authored the first draft of the Report. Mr. Shields thanked Mr. Fuller and Mr. Herman for staffing the Task Force. He expressed his belief that it was a satisfying task force with which to be involved. Chair Rodgers advised that she was thankful that the \$2M for open space acquisition had survived the last minute CIP amendments.

8. OTHER BUSINESS: None.

9. MINUTES FOR APPROVAL: The Minutes of 5 June 2006 were approved as presented.

10. ADJOURNMENT:

Ms. Sanders moved, and Mr. Burnett seconded, to adjourn. The motion passed by voice vote and the meeting adjourned at 10:18 PM.

Respectfully Submitted,

Noted and Approved:

Debra L. Gee  
Recording Secretary

Elizabeth R. Friel, AICP  
Planning Director

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